

Restoration of Rights to possess a firearm – notes from Clark County Sheriff's Office

The following information is provided to help people understand their eligibility for a Restoration of Rights to Possess Firearms. It is not offered as legal advice. Sheriff's Office staff are unable to provide legal advice.

If a person has been convicted of an offense which is punishable by imprisonment for more than one year (any felony), that person loses their right to possess firearms and must ask the court where they were convicted to restore their gun rights.

There are rules which prevent some people from having their gun rights restored. Under Washington State law these are some situations that prevent a Restoration of Gun Rights:

- A person convicted of any felony defined under any law as a class A felony and/or with a maximum sentence of at least twenty years, in any jurisdiction, cannot have their gun rights restored for those convictions;
- A person convicted of sex offenses cannot have their gun rights restored for those convictions;
- If the felony conviction (Class B or C) was received in another state, then the Restoration of Gun Rights must be obtained from the court of jurisdiction (federal or state) in THAT state;
- A person who has been "adjudicated mentally defective." cannot have their gun rights restored.
- A Restoration of Gun Rights for some misdemeanor crimes of Assault IV Domestic Violence may result in a Federal prohibition on possession of a firearm.
- A Restoration of Rights issued by a Washington Court may not resolve an out-of-state conviction especially if such conviction is the basis of a federal firearms prohibition.

This list of situations that prevent the restoration of gun rights is specific to Washington State. Federal law may be different from Washington State law. You may have restrictions on gun rights from another state. Because of these reasons, **IT IS POSSIBLE THAT EVEN THOUGH YOU OBTAIN A COURT ORDER RESTORING YOUR GUN RIGHTS, THE SHERIFF'S OFFICE COULD DENY YOUR PETITION FOR A CONCEALED PISTOL LICENSE OR AN APPLICATION TO PURCHASE FIREARMS.**

Please contact the Clark County Law Library for a Restoration of Gun Rights packet (<https://clark.wa.gov/law-library>), review Washington Revised Code § 9.41.040 for specific crimes and limitations, and contact an attorney for legal assistance.